

## BakerHostetler

July 12, 2016

**VIA E-MAIL (HCHAITMAN@CHAITMANLLP.COM)**

*Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities  
LLC, 08-01789 (SMB)*

Dear Ms. Chaitman,

I write in furtherance of my June 17, 2016 letter in which I demanded the preservation of certain information in connection with the November 17, 2015 declaration of Bernard L. Madoff (the “Madoff Declaration”). We assume that you have complied with that preservation demand, given that we required you to notify me in writing by 5 p.m. on June 20, 2016 if you did not intend to do so. We also assume that Chaitman LLP alone is in possession of the documents subject to the preservation demand, given that we required you to notify me in writing by 5 p.m. on June 20, 2016 if there were third parties that were in possession of the documents. We did not receive a response from you on either point by the deadline or at any other time.

In my letter, I advised you that we were evaluating what steps, if any, we should take in connection with the information and events relating to Mr. Madoff’s deposition testimony that he had not seen paragraphs No. 3 and 4 of the Madoff Declaration prior to signing it. At this juncture, we believe it is prudent to review certain documents described in my letter. Accordingly, by 5 p.m. on July 19, 2016 please deliver the following to me:

- All communications, in whatever form, that you or your firms have had with Mr. Madoff since December 2008. This includes handwritten or typed letters and emails. It includes communications from you or your staff to Mr. Madoff conveyed through others, including his attorney(s) and spouse, or other BLMIS customers, including but not limited to Robert Roman. It includes the attachments to these communications, including the Madoff Declaration in all of its forms as sent to and received from Mr. Madoff.

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- All versions and drafts of the Madoff Declaration, wherever they might exist, including as attachments to emails, stand-alone documents on a computer, and printed copies. For electronic copies of the Madoff Declaration, this production demand includes all existing metadata.
- Copies of all signed versions of the Madoff Declaration, including, but not limited to, Exhibits 2 and 12 from Mr. Madoff's deposition.

With respect to electronic records requested above, my letter advised you not to open, print, or move any electronic versions of the Madoff Declaration, as doing so will alter the metadata, including, but not limited to, the Last Modified Date, which is material information to this matter. To ensure that metadata stays intact in connection with this production demand, the Trustee agrees to pay the reasonable costs of an e-discovery vendor to do this collection and production for you. Please advise as to whether you have a vendor you prefer or if you would like us to arrange this for you.

Sincerely,

*/s/ Seanna R. Brown*

Seanna R. Brown  
Partner

cc: David Sheehan  
Karin S. Jenson  
Edward Jacobs  
Amy Vanderwal